**MEMO ENDORSED**

MURIEL GOODE-TRUFANT
Acting Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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October 16, 2024

VIA ECF

Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Ben Umeze, MD v. New York City Department of Finance, et al.,
24 CV 5523 (JPC) (KHP)

Your Honor:

I am a Senior Counsel in the Tax & Bankruptcy Litigation Division of the New York City Law Department, and the attorney for Defendants City of New York, New York City Department of Finance, Commissioner of the New York City Department of Finance Preston Niblack, the New York City Department of Buildings, Commissioner of the New York City Department of Buildings James ("Jimmy") Oddo, and the Mayor of the City of New York Eric Adams (hereinafter "Defendants") in the instant matter.

As Your Honor may be aware, by letter dated October 7, 2024, I wrote to District Judge John Cronan to request the Court's permission to proceed with a motion to dismiss the Complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(6). This application is still pending with the Court. As Your Honor may also be aware, there is an initial conference currently scheduled for October 29, 2024. I write to respectfully request an adjournment of the October 29, 2024 initial conference, without a new date, pending a determination by the Court as to whether Defendants can proceed with their anticipated motion to dismiss the Complaint, and if given permission, until a date after Defendants' motion is decided.

Defendants also respectfully request an adjournment of the conference since I am unavailable to attend on October 29, 2024, as I am scheduled to be out of the office due to a personal matter.

I telephoned Plaintiff, who is proceeding *pro se* in this matter, using the telephone number listed on the docket sheet on October 15, 2024 at approximately 10:30am, in order to obtain Plaintiff's consent to the instant request. An individual answered the call, and indicated that Plaintiff would call me back that same day and I provided this individual with my office telephone number to provide to Plaintiff. I have not received a telephone call back from Plaintiff as of the

submission of this letter, and therefore I have not spoken with Plaintiff concerning the instant request.¹

Defendants thank the Court for its time and consideration of the within request.

Respectfully submitted,

/s/ Sarah E. Gilbert
Sarah E. Gilbert
Assistant Corporation Counsel
Tax & Bankruptcy Litigation Division

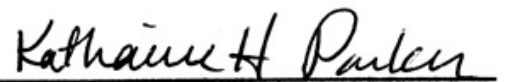
cc: Ben Umeze, MD (by first-class mail)
Plaintiff *Pro Se*
1423 Glover Street
Bronx, New York 10462

Honorable John P. Cronan (by ECF)
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

APPLICATION GRANTED: The Initial Conference set for 10/29/2024 at 02:00 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 is hereby rescheduled to Thursday, December 5, 2024 at 12:00 p.m.

The Clerk of Court is directed to mail a copy of this order to the Plaintiff.

APPLICATION GRANTED



Hon. Katharine H. Parker, U.S.M.J.
10/16/2024

¹ Defense counsel will be out of the office from October 17, 2024 through October 25, 2024, due to religious observance, and therefore Defense counsel is submitting the instant application without waiting additional time for Plaintiff to return the call.